

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

COURTESY COPY

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RASHIKA N. HETTIARACHCHI,

Case No.: 14-CV-06731  
(JMA)(ARL)

Plaintiff,

-against-

COUNTY OF SUFFOLK, SUFFOLK COUNTY DISTRICT  
ATTORNEY'S OFFICE, DISTRICT ATTORNEY  
THOMAS J. SPOTA, in his individual and official capacity,  
CHIEF ASSISTANT DISTRICT ATTORNEY EMILY  
CONSTANT, in her individual and official capacity,  
DIVISION CHIEF EDWARD G. HEILIG, in his individual  
and official capacity, BUREAU CHIEF EDWARD  
JABLONSKI, in his individual and official capacity,  
BUREAU CHIEF MAUREEN MCCORMACK in her  
individual and official capacity, BUREAU CHIEF  
KERRIANN KELLY in her individual and official capacity,  
DEPUTY BUREAU CHIEF NANCY CLIFFORD in her  
individual and official capacity, DEPUTY BUREAU CHIEF  
JAMES CHALIFOUX in his individual and official  
capacity,

Defendants.

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**DECLARATION OF CATHRYN HARRIS-MARCHESI  
IN SUPPORT OF PLAINTIFF'S MEMORANDUM OF LAW  
IN OPPOSITION TO DEFENDANTS COUNTY OF SUFFOLK,  
SUFFOLK COUNTY ATTORNEY'S OFFICE, DISTRICT ATTORNEY  
THOMAS J. SPOTA, CHIEF ASSISTANT DISTRICT ATTORNEY EMILY  
CONSTANT, DIVISION CHIEF EDWARD G. HEILIG, BUREAU CHIEF  
EDWARD JABLONSKI, BUREAU CHIEF MAUREEN MCCORMACK,  
BUREAU CHIEF KERRIANN KELLY, DEPUTY BUREAU CHIEF NANCY  
CLIFFORD, DEPUTY BUREAU CHIEF JAMES CHALIFOUX  
MOTION FOR SUMMARY JUDGMENT**

**I, CATHRYN HARRIS-MARCHESI,** declare under the pains and penalties of perjury  
pursuant to 28 U.S.C. §1746, that the following statements are true and correct, to the best of my  
knowledge:

1. I am one of the attorneys representing Plaintiff **RASHIKA N. HETTIARACHCHI**. I submit this Declaration in support of Plaintiff's Memorandum of Law and Supporting Papers in Opposition to Defendants Defendants **COUNTY OF SUFFOLK** (herein "Defendant County"), **SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE** (herein "Defendant Suffolk DA"), **DISTRICT ATTORNEY THOMAS J. SPOTA** (herein "Defendant Spota"), in his individual and official capacity, **CHIEF ASSISTANT DISTRICT ATTORNEY EMILY CONSTANT** (herein "Defendant Constant"), in her individual and official capacity, **DIVISION CHIEF EDWARD G. HEILIG** (herein "Defendant Heilig"), in his individual and official capacity, **BUREAU CHIEF EDWARD JABLONSKI** (herein "Defendant Jablonski"), in his individual and official capacity, **BUREAU CHIEF MAUREEN MCCORMACK** (herein "Defendant McCormack") in her individual and official capacity, **BUREAU CHIEF KERRIANN KELLY** (herein "Defendant Kelly") in her individual and official capacity, **DEPUTY BUREAU CHIEF NANCY CLIFFORD** (herein "Defendant Clifford") in her individual and official capacity, **DEPUTY BUREAU CHIEF JAMES CHALIFOUX** (herein "Defendant Chalifoux") in his individual and official capacity, collectively herein "Defendants" Motion for Summary Judgment.

2. Attached as **Exhibit A** is a true and accurate copy of Complaint.

3. Attached as **Exhibit B** is a true and accurate copy of Edward G. Heilig Affidavit (9/25/18).

4. Attached as **Exhibit C** is a true and accurate copy of *AveMaria Thompson v. Thomas J. Spota, et.al*, Civ. No. 14-cv-02473, Eastern District of New York (4/17/14).

5. Attached as **Exhibit D** is a true and accurate copy of Rashika Hettiarachchi Deposition (9/21/17).

6. Attached as **Exhibit E** is a true and accurate copy of Emily Constant Affidavit

(9/27/18).

7. Attached as **Exhibit F** is a true and accurate copy of Maureen McCormack Affidavit

(9/28/18).

8. Attached as **Exhibit G** is a true and accurate copy of Emily Constant Deposition

(9/22/17).

9. Attached as **Exhibit H** is a true and accurate copy of Thomas J. Spota Affidavit

(9/26/18).

11. Attached as **Exhibit I** is a true and accurate copy of Email from Rashika Hettiarachchi, *re: Returning to Work*, to Maureen McCormack (1/7/2013). - Bate Stamp D022

12. Attached as **Exhibit J** is a true and accurate copy of Emailed Letter from Emily A. Constant, *re: Rashika Hettiarachchi*, to Rashika Hettiarachchi (1/8/13). Bates D020-21

13. Attached as **Exhibit K** is a true and accurate copy of, Email from Emily Constant, *re: Rashika*, to McCormack, Heilig and Stankewicz (1/9/2013). Bates D019

14. Attached as **Exhibit L** is a true and accurate copy of Emailed Letter from Emily A. Constant, *re: Rashika Hettiarachchi*, to Rashika Hettiarachchi (1/8/13). Bates D018

15. Attached as **Exhibit M** is a true and accurate copy of, Fax to Diane Stanwick, *re: Rashika Hettiarachchi*, from Michelle Hofman, LCSW, Director of the Partial Hospitalization Program (1/10/2013). - Bate Stamp D017

16. Attached as **Exhibit N** is a true and accurate copy of Letter from Vince De Simone, LCSW-R, St. Catherine of Siena Medical Center, *re: Rashika Hettiarachchi* (11/20/2012). Bates D026.

17. Attached as **Exhibit O** is a true and accurate copy of Evaluation of Rashika Hettariachchi, CAB/ECB Unit, Start Date 10/22/10, Evaluation Date 2/26/13 (5/20/2013). Bates Hettiarachchi 0120-0123

18. Attached as **Exhibit P** is a true and accurate copy of, Plaintiff's Written Response to Defendant Jablonski's May 20, 2013 Evaluation. Bates Hettiarachchi 0130

19. Attached as **Exhibit Q** is a true and accurate copy of Evaluation of Rashika Hettariachchi, CAB/ECB Unit, Start Date October 2012, Evaluation Date 5/14/13 (5/20/2013). Bates Hettiarachchi 0125-0128

20. Attached as **Exhibit R** is a true and accurate copy of, Plaintiff's Written Response to Defendant McCormack's May 20, 2012 Evaluation. Bates Hettiarachchi 0131-0132

21. Attached as **Exhibit S** is a true and accurate copy of Defendant McCormack's Rebuttal to Plaintiff's Response to Defendant McCormack's May 20, 2012 Evaluation. Bates Hettiarachchi 0134-0138

22. Attached as **Exhibit T** is a true and accurate copy of Kerriann Kelly Deposition (10/6/2017).

23. Attached as **Exhibit U** is a true and accurate copy of Nancy Clifford Deposition (10/10/2017).

24. Attached as **Exhibit V** is a true and accurate copy of Thomas Spota Deposition (1/12/2018).

25. Attached as **Exhibit W** is a true and accurate copy of, Inter-Office Memo from Thomas J. Spota, District Attorney, re: Transfer, to all Bureau Chiefs and Unit Heads (10/2/2012). Bates D0080.

26. Attached as **Exhibit X** is a true and accurate copy of, James Chalifoux Deposition (10/24/2017).
27. Attached as **Exhibit Y** is a true and accurate copy of, Edward Jablonski Deposition (9/29/2017).
28. -Attached as **Exhibit Z** is a true and accurate copy of Maureen McCormack Deposition (10/17/2017).
29. Attached as **Exhibit AA** is a true and accurate copy of Edward Heilig Deposition (10/12/2017).
30. Attached as **Exhibit BB** is a true and accurate copy of Letter from Thomas J. Spota, re: Step Increase, to ADA Hettiarachchi (7/2/2013).
31. Attached as **Exhibit CC** is a true and accurate copy of Notes from Clifford and Kelly Regarding Plaintiff's Job Performance at MCB (2013).
32. Attached as **Exhibit DD** is a true and accurate copy of NYSDHR Determination After Investigation Probable Cause Finding (3/21/2014).
33. Attached as **Exhibit EE** is a true and accurate copy of NYSDHR Final Investigation Report and Basis of Determination (3/18/2014).
34. Attached as **Exhibit FF** is a true and accurate copy of Letter to Diane Stanwick, re: *Rashika Hettiarachchi*, from Michelle Hofman, LCSW, Director of the Partial Hospitalization Program (12/14/2012). - Bate stamp D024
35. Attached as **Exhibit GG** is a true and accurate copy of, Telephone Message from Rashika for Diane re: *Returning to Work Next Week* (1/3/13). - Bate Stamp D023.

36. Attached as **Exhibit HH** is a true and accurate copy of Kerriann Kelly Affidavit (9/27/2018).

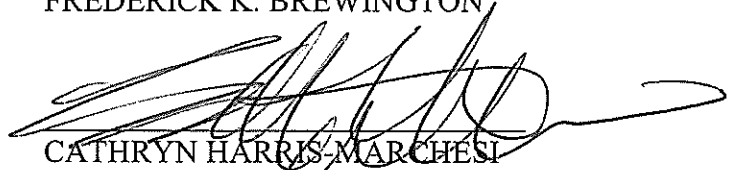
37. Attached as **Exhibit II** is a true and accurate copy of, Nancy B. Clifford Affidavit (9/25/2018).

Dated: Hempstead, New York  
February 6, 2019

Respectfully submitted,

LAW OFFICES OF  
FREDERICK K. BREWINGTON

By:

A handwritten signature in black ink, appearing to read 'Cathryn Harris Marchesi', written over a horizontal line.

CATHRYN HARRIS MARCHESI  
*Attorneys for Plaintiff*  
556 Peninsula Boulevard  
Hempstead, New York 11550